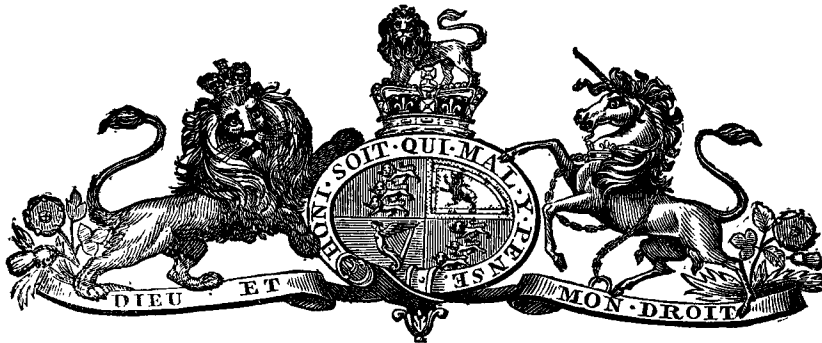


## NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

## VICTORIÆ REGINÆ.

No. XLII.

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AN ACT to amend "The Marine Act 1867."

Title.

[12th September 1870.]

WHEREAS it is expedient to amend "The Marine Act 1867"

Preamble

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Marine Act Amendment Act 1870."

Short Title.

2. This Act shall be read as part of "The Marine Act 1867" hereinafter referred to as "the said Act."

How to be read.

3. From and after the passing of this Act the eighteenth and nineteenth sections of the said Act shall be repealed.

Sections 18 and 19 of "The Marine Act 1867" repealed.

4. The master or mate of any Colonial trading vessel may upon giving due notice apply to any Harbour Master to be examined as to his capacity to pilot the ship of which he is master or mate or any other ship or ships within any part of the district over which such Harbour Master has jurisdiction and such master or mate shall if such Harbour Master thinks fit thereupon be examined and if found competent such Harbour Master shall grant

Master or mate if examined and passed to receive a pilotage certificate enabling him to pilot particular ships.

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him a certificate setting forth that he has passed such examination or that he is competent to pilot the ship of which he is master or mate and the ship or ships specified in such certificate within the limits described therein such limits to be within such jurisdiction as aforesaid and on the production of such certificate to such person as the Governor shall from time to time appoint for the purpose a pilotage exemption certificate to be signed and issued by such person shall be granted to such master or mate containing his name a specification of the ship or ships in respect of which he has been examined and a description of the limits within which he is to pilot the same and such certificate shall (subject to the provisions hereinafter contained as to the hoisting a flag) authorize the person therein named to pilot the ship or any of the ships therein specified of which he is acting as master or mate at the time but no other within the limits therein described without incurring any penalties for the non-employment of a qualified pilot.

If Harbour Master refuse to examine master or mate Commissioner of Customs may appoint persons to examine and may authorize exemption certificate to be issued.

5. If upon complaint to the Commissioner of Customs it appears to him that any Harbour Master as aforesaid has without reasonable cause refused or neglected to examine any master or mate who has applied to such Harbour Master for the purpose or after he has passed the examination has without reasonable cause refused or neglected to grant him a certificate setting forth that he has passed such examination or that he is competent to pilot the ship of which he is master or mate or that the examination of any such master or mate has been unfairly or improperly conducted or that any terms imposed or sought to be imposed by such Harbour Master are unfair or improper the Commissioner of Customs may if in his judgment the circumstances appear to require it appoint any person or persons he may think fit to examine such master or mate and if he is found competent may authorize a pilotage exemption certificate to be granted to him by the person for the time being appointed for the purpose containing the same particulars as would have been inserted in a pilotage exemption certificate granted on the certificate of such Harbour Master as aforesaid and such pilotage exemption certificate shall be granted upon such terms and conditions and subject to such regulations as such Commissioner may think fit.

Fee for license.

6. From and after the passing of this Act for any such pilotage exemption certificate there shall be paid a fee of five pounds five shillings Provided that no person shall be required to pay more than one such fee.

On change of vessel by master or mate pilotage exemption certificate may be renewed.

7. Any master or mate holding a pilotage exemption certificate on taking charge of or being appointed to any vessel not specified therein or applying to have any port added to his certificate may have such certificate extended to such vessel or port without charge which may from time to time be done by an indorsement under the hand of the person appointed as aforesaid to sign and issue such certificate or by any Collector of Customs Provided that such master or mate shall produce a certificate signed by the Harbour Master of the port that such master or mate is competent to pilot the vessel to be specified in such indorsement within the limits of the port over which such Harbour Master has jurisdiction.

Pilotage exemption certificate paid for by owners of vessels may be transferred on change of master.

8. When a pilotage exemption certificate has been paid for by the owners of any vessel or vessels and a master or mate not named in such certificate is appointed to any of such vessels such certificate may be transferred to the new master or mate on production of such exemption certificate and such certificates as required by the fourth section of this Act that such master or mate is competent to pilot such vessel or all of the other vessels specified in the certificate within the

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limits of the port or ports named therein. Such transfer shall be made by indorsement on the pilotage exemption certificate in the manner set forth in the last preceding section.

9. If any master or mate refuses to give up to any owner of a vessel any such pilotage exemption certificate as shall have been paid for by such owner he shall be liable to a penalty not exceeding ten pounds to be recovered in a summary way and such certificate shall be withdrawn in the manner prescribed by the tenth section of this Act and a new certificate granted to such owners in lieu thereof with the name of the new master or mate inserted therein but shall be limited to such vessel and such port as the Harbour Master's certificate shall extend to.

Pilotage exemption certificate paid for by owners to be given up by master on leaving vessel.

10. If at any time it appears to the Commissioner of Customs that any master or mate to whom a pilotage exemption certificate has been granted has been guilty of misconduct or has shown himself incompetent to pilot his ship such Commissioner may thereupon withdraw the pilotage exemption certificate granted to such person and such certificate shall thenceforth cease to be of any effect whatever.

Power to withdraw pilotage exemption certificate.

11. No master or mate holding a pilotage exemption certificate shall be exempt from liability for non-employment of a pilot unless such master or mate shall when required by the Collector of Customs of the port in respect of which such exemption is claimed or by any licensed pilot who may board the vessel produce and permit to be read by him the said exemption certificate and unless from the time of approaching within three leagues of the Pilot Station to the time of such vessel anchoring in the port there shall be kept at the mast or main-mast head of such vessel a white flag not less than six feet long and four feet broad.

Exempted ships to hoist white flag on entering port.

12. All vessels of not more than eighty tons registered tonnage shall be exempted from compulsory pilotage.

Exemptions from compulsory pilotage.

13. Any Colonial trading vessel the master or mate of which holds a pilotage exemption certificate shall unless the master employs a pilot pay only one full rate of pilotage in and out of each port that such vessel may visit in every year reckoning from the date of the issue of such certificate.

Exempted vessels to pay one full rate of pilotage annually.

14. All pilotage exemption certificates made pursuant to or kept in force by "The Marine Act 1867" shall continue in force as if made under this Act until revoked or altered under the authority of this Act and no longer.

Exemption certificate issued under former Acts to remain in force until altered or cancelled.

15. The following steps may be taken in order to enforce compliance with the Regulations referred to in the twenty-fifth section of "The Merchant Shipping Act Amendment Act 1862" that is to say—

Inspection for enforcing Regulations regarding lights and fog signals.

- (1.) The Inspectors and Surveyors appointed under "The Steam Navigation Act 1866" or such other persons as the Governor may appoint for the purpose may inspect any ships for the purpose of seeing that such ships are properly provided with lights and with the means of making fog signals in pursuance of the said Regulations and shall for that purpose have the same powers with respect to sailing vessels that are given to Inspectors of Steam Vessels by the thirty-fifth section of "The Steam Navigation Act 1866."
- (2.) If any such Inspector or person finds that any ship is not so provided he shall give to the master or owner notice in writing pointing out the deficiency and also what is in his opinion requisite in order to remedy the same.
- (3.) Every notice so given shall be communicated in such

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manner as the Commissioner of Customs may direct to the Collector or Principal Officer of Customs at any port from which such ship may seek to clear or at which her transire is to be obtained and no Collector or Principal Officer of Customs to whom such communication is made shall clear such ship outwards or grant her a transire or allow her to proceed to sea without a certificate under the hand of one of the said Inspectors or other persons appointed by the Governor as aforesaid to the effect that the said ship is properly provided with lights and with the means of making fog signals in pursuance of the said Regulations.

**Interpretation.**

**16.** The term "Colonial trading vessel" where used in the fourth and thirteenth sections of this Act shall mean and include any vessel actually trading between New Zealand and any port within the Australian Colonies including Tasmania or between New Zealand and any of the Islands lying between the parallels of thirty degrees North and thirty degrees of South latitude and the meridians of one hundred and fifty-five degrees East and one hundred and thirty degrees West longitude.

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WELLINGTON, NEW ZEALAND :

Printed under the authority of the New Zealand Government, by GEORGE DIDSBURY, Government Printer.